

1831, stated, that the lunatic's negro man slave named *Harry*, had been for some time out of his possession as a runaway; that he had caused him to be arrested in the city of Baltimore, and brought back and lodged in Talbot county jail for safe keeping; and that if taken out of jail he would again run away and be wholly lost. Whereupon he prayed, that he might be authorized to sell the said slave for the benefit of the lunatic.

9th April, 1831.—BLAND, *Chancellor*.—*Ordered*, that the said trustee *Jesse Scott*, be and he is hereby authorized and required to make sale of the negro slave *Harry*, either by advertising him for sale at public auction; or by a private sale; or on a credit, not exceeding ninety days; or for ready money, as he may deem most advantageous for the lunatic. And if the trustee shall sell the negro on a credit, he shall take bond with surety, to be approved by him, from the purchaser to secure the payment of the purchase money with interest from the day of sale. And it is further *Ordered*, that the trustee be and he is hereby authorized and required, as soon as may be, to invest the proceeds of the sale, in stock of the Farmers' Bank of Maryland, in the name of and for the benefit of the said lunatic. And that the trustee report to this court, on oath, a full account of all his proceedings in relation to the said sale and investment; and also an account of his proceedings as trustee, as required by the orders of the 18th of June, and the 29th of December, of the year 1829. (*d*)

Some time after this the lunatic died, and no further proceedings respecting his estate appear to have been had here.

AUSTIN v. COCHRAN.

A creditor's suit does not abate by the death of a plaintiff or any creditor who may have come in, if there be then a plaintiff or creditor competent to prosecute the suit.—But a creditor's suit will abate by the death of a defendant heir or devisee, whether there be any surplus of the proceeds of the sale to be returned to him or not.

THIS was a creditor's bill filed on the 18th of March, 1820, in Baltimore County Court, by *Edward Austin*, *Edward Austin the younger*, *Anthony Austin*, and *John Austin*, partners trading under